

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL A. KATZ, individually and on behalf	:
of all others similarly situated,	:
	:
Plaintiff,	:
	:
vs.	:
	:
CELLCO PARTNERSHIP d/b/a/ VERIZON	:
WIRELESS,	:
	:
Defendant.	:
-----X	

No 12-cv-9193 (VB) (LMS)

**NOTICE OF PLAINTIFF'S
MOTION TO PARTIALLY
CONFIRM AND
PARTIALLY VACATE
ARBITRATION AWARD**

PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of law and supporting Declaration of William R. Weinstein with exhibits, and upon all relevant papers previously filed in the action, Plaintiff Michael Katz ("Katz") will move this Court, at a date, time and place to be designated by the Court, for an Order:

(i) pursuant to 9 U.S.C. §10 of the Federal Arbitration Act ("FAA"), 9 U.S.C. § 1, *et seq.*, partially confirming and partially vacating the October 28, 2016 Decision on Motion for Partial Summary Disposition issued by the Arbitrator in the American Arbitration Association ("AAA") arbitration captioned *Katz v. Cellco P'shp d/b/a Verizon Wireless*, AAA Case 01-16-000 1-2209, and vacating in full the Arbitrator's June 29, 2017 Decision on Motion for Judgment on the Pleadings;

(ii) vacating those parts of the October 28, 2016 and June 29, 2017 Decisions that constitute rulings of law, on the ground that Katz's involuntary consent to the standard of review imposed by Congress under FAA §10(a)(4) violates Katz's constitutional right to judicial review with respect to questions of law required under the Due Process Clause of the Fifth Amendment to the United States Constitution; and

(iii) granting such other and further relief as the Court deems just and proper.

Dated: September 27, 2017

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